

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

EUGENE RONALD HOLLEY, SR.,

Plaintiff,

v.

DR. KENNETH R. SEBBAY, et al.,

Defendants.

Case No. C07-5283RJB

ORDER ADOPTING REPORT  
AND RECOMMENDATION AND  
DISMISSING CASE

This matter comes before the court on consideration of the Report and Recommendation of the Magistrate Judge. Dkt. 27. The court has considered the relevant documents and the file herein.

On April 14, 2008, U.S. Magistrate Judge Karen L. Strombom issued a Report and Recommendation, recommending that the court grant the motions for summary judgment filed by defendant Dr. Kenneth Sebbay (Dkt. 21) and the Department of Correction (Dkt. 25), on the basis that plaintiff failed to exhaust his administrative remedies, and, in the alternative, that plaintiff had failed to demonstrate an Eighth Amendment violation or a state law claim for medical negligence. Dkt. 27. Plaintiff was informed twice by the court of his responsibilities to respond to a motion for summary judgment. *See* Dkt. 6 and 9. Plaintiff did not file a response to the motions for summary judgment. A careful review of the record supports the conclusions of the Report and Recommendation. Defendants' motions for summary judgment should be granted and this case should be dismissed.

Therefore, it is hereby

**ORDERED** that the Report and Recommendation of the Magistrate Judge (Dkt. 27), is **ADOPTED**. Defendants' motions for summary judgment (Dkt. 21 and 25) are **GRANTED**. The case is **DISMISSED**.

1 The Clerk of the Court is directed to send uncertified copies of this Order to all counsel of record  
2 and to any party appearing *pro se* at said party's last known address.

3 DATED this 19<sup>th</sup> day of May, 2008 .

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5 ROBERT J. BRYAN  
6 United States District Judge  
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